

## Message

**From:** Jeff Zentner [Jeff.Zentner@tn.gov]  
**Sent:** 10/22/2021 2:42:25 PM  
**To:** Dorka, Lilian [Dorka.Lilian@epa.gov]  
**CC:** Stein, Jonathan [Stein.Jonathan@epa.gov]; Greg Young [Greg.young@tn.gov]; Stephanie Durman [Stephanie.Durman@tn.gov]; Patrick Parker [Patrick.Parker@tn.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Johnson, Johanna [Johnson.Johanna@epa.gov]; Karmi, Albert [Karmi.Albert@epa.gov]; Smith, Kevin B. [Smith.Kevin@epa.gov]; Holtzclaw, Brian [Holtzclaw.Brian@epa.gov]  
**Subject:** RE: Informal Resolution of EPA Complaint No. 03R-21-R4

Director Dorka,

We are amenable to beginning the process to try to arrive at an informal resolution agreement. We will await your word on how to proceed.




Jeff Zentner | Associate General Counsel  
 Tennessee Department of Environment and Conservation, Office of General Counsel  
 Tennessee Tower, Second Floor  
 312 Rosa L. Parks Ave.  
 Nashville, TN 37243  
 p. 615-253-4169 Ex. 6 Personal Privacy (PP)  
[jeff.zentner@tn.gov](mailto:jeff.zentner@tn.gov)

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**From:** Stein, Jonathan <Stein.Jonathan@epa.gov>  
**Sent:** Thursday, October 21, 2021 4:03 PM  
**To:** Jeff Zentner <Jeff.Zentner@tn.gov>  
**Subject:** [EXTERNAL] FW: Informal Resolution of EPA Complaint No. 03R-21-R4

Best Regards,

Jonathan M. Stein  
 Attorney Advisor – External Civil Rights Compliance Office  
 U.S. Environmental Protection Agency | Office of General Counsel  
 1200 Pennsylvania Avenue, N.W. (Mailcode 2310A)  
 Washington, DC 20460  
 202-564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Sent:** Thursday, October 21, 2021 4:58 PM  
**To:** Greg Young <[Greg.young@tn.gov](mailto:Greg.young@tn.gov)>; Stephanie Durman <[Stephanie.Durman@tn.gov](mailto:Stephanie.Durman@tn.gov)>; Patrick Parker <[Patrick.Parker@tn.gov](mailto:Patrick.Parker@tn.gov)>; [jeffrey.zettner@tn.gov](mailto:jeffrey.zettner@tn.gov)  
**Cc:** Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Karmi, Albert <[Karmi.Albert@epa.gov](mailto:Karmi.Albert@epa.gov)>; Smith, Kevin B. <[Smith.Kevin@epa.gov](mailto:Smith.Kevin@epa.gov)>; Holtzclaw, Brian <[Holtzclaw.Brian@epa.gov](mailto:Holtzclaw.Brian@epa.gov)>  
**Subject:** RE: Informal Resolution of EPA Complaint No. 03R-21-R4

Hello TDEC Colleagues,

I have not received any response to my note below and wanted to check in to see if you actually received it? Technology is not always our friend. We look forward to hearing from you, and understand how busy everyone is. Many thanks!

Lilian

Lilian Sotolongo Dorka, Director  
 External Civil Rights Compliance Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 202-564-9649 - Office  
 202-695-9888 – Cell  
 Pronouns: she/her/hers

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**From:** Dorka, Lilian  
**Sent:** Friday, October 15, 2021 1:50 PM  
**To:** Greg Young <[Greg.young@tn.gov](mailto:Greg.young@tn.gov)>; Stephanie Durman <[Stephanie.Durman@tn.gov](mailto:Stephanie.Durman@tn.gov)>; Patrick Parker <[Patrick.Parker@tn.gov](mailto:Patrick.Parker@tn.gov)>; [jeffrey.zettner@tn.gov](mailto:jeffrey.zettner@tn.gov)  
**Cc:** Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Karmi, Albert <[Karmi.Albert@epa.gov](mailto:Karmi.Albert@epa.gov)>; Smith, Kevin B. <[Smith.Kevin@epa.gov](mailto:Smith.Kevin@epa.gov)>; Holtzclaw, Brian <[Holtzclaw.Brian@epa.gov](mailto:Holtzclaw.Brian@epa.gov)>  
**Subject:** Informal Resolution of EPA Complaint No. 03R-21-R4

Hello Greg, Stephanie, Patrick and Jeff,

Thank you again for the productive and collaborative conversation last Friday. We are very much looking forward to working with you to resolve this Title VI complaint. Last Friday, I agreed to share with you the revised “Issues for Investigation” (revised in light of the withdrawal of the Byhalia permit) that we hope to resolve with you through the Informal Resolution Agreement Process. I apologize for the delay in getting this to you. Please let me know if you have any questions and we look forward to hearing back from you.

Hope everyone has a good weekend! (Greg, I hope you enjoyed Ex. 6 Personal Privacy (PP))

Lilian

1. Whether TDEC discriminates on the basis of race in violation of the Civil Rights Act of 1964 (Title VI) and EPA’s regulation at 40 C.F.R. Part 7, when, within its environmental permitting program for new and existing facilities, it fails to consider potential adverse disparate impacts on the basis of race and

national origin, including, for example, through the use of EJ screening tools and consideration of public input (such as recently when TDEC issued Aquatic Resource Alteration Permit for the Byhalia Connection Pipeline on November 17, 2020 – permit now withdrawn).

2. Whether TDEC has and is implementing the procedural safeguards required under 40 C.F.R. Parts 5 and 7 that all recipients of federal assistance must have in place to comply with their general nondiscrimination obligations, including specific policies and procedures to ensure meaningful access to TDEC's services, programs, and activities, for individuals with limited English proficiency and individuals with disabilities, and whether TDEC has a public participation policy and process that is consistent with Title VI and the other federal civil rights laws, and EPA's implementing regulation at 40 C.F.R. Parts 5 and 7.

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